

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No. 22-70016-JAD
Cherry R. Benedict,	:	
Debtor	:	Chapter 13
	:	
Cherry R. Benedict,	:	Document No.
Movant	:	
v.	:	
	:	
No Respondents	:	
Respondent	:	
	:	
Ronda J. Winnecour, Esquire	:	
Chapter 13 Trustee,	:	
Additional Respondent	:	

SETTLEMENT AND CERTIFICATION OF COUNSEL REGARDING  
STIPULATED ORDER MODIFYING PLAN

The undersigned hereby certifies that agreement has been reached with the respondent(s) regarding the Chapter 13 Plan filed on February 1, 2022.

The signature requirements of W.PA.LBR 5005-6 have been followed in obtaining the agreement of all parties and is reflected in the attached document.

The undersigned further certifies that:

- ☒ An agreed order and a redline version showing the changes made to the order originally filed with the court as an attachment to the motion is attached to this Certificate of Counsel. Deletions are signified by a line in the middle of the original text (strikeout) and additions are signed by text in italics. It is respectfully requested that the attached order be entered by the Court.
- ☒ No other order has been filed pertaining to the subject matter of this agreement.
- ☒ The attached document does not require a proposed order.

Dated: December 1, 2023

By: /s/ Kenneth P. Seitz, Esquire

Signature

Kenneth P. Seitz, Esquire

Typed Name

P.O. Box 211, Ligonier, PA 15658

Address

(814) 536-7470

Phone No.

81666 PA

Bar I.D. and State of Admission

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	)	
Cherry R. Benedict,	)	Case No. 22-70016-JAD
Debtor	)	
	)	Chapter 13

---

**STIPULATED ORDER MODIFYING PLAN**

**WHEREAS**, this matter is being presented to the Court regarding

***[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:***

- ☐ a motion to dismiss case or certificate of default requesting dismissal
- ☐ a plan modification sought by: \_\_\_\_\_
- ☐ a motion to lift stay  
as to creditor \_\_\_\_\_
- ☒ Other: Reduce Plan Payment – Payment of Escrow Shortage

**WHEREAS**, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

**IT IS HEREBY ORDERED** that the

***[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]***

- ☒ Chapter 13 Plan dated February 1, 2022
- ☐ Amended Chapter 13 Plan dated \_\_\_\_\_

is modified as follows:

***[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]***

- ☒ Debtor's Plan payments shall be changed from \$ 1,017.00 to \$ 997.00, effective January 2024; and/or the Plan term shall remain at 60 months per Order of Court Confirming Plan on Final Basis dated July 29, 2022. The Debtor previously filed a Stipulated Order, approved November 15, 2023, to increase the payment due to the Notice of Mortgage Payment Change filed October 27, 2023. However, on November 21, 2023, the Debtor paid the mortgage company directly for the escrow shortage; therefore, no modification of payment is now needed.

- ☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.
- ☐ Debtor(s) shall file and serve \_\_\_\_\_ on or before \_\_\_\_\_.
- ☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.
- ☐ If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as \_\_\_\_\_ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.
- ☒ Other: In addition, the previously entered ORDER CONFIRMING PLAN ON FINAL BASIS at Doc No. 27 is incorporated herein.

**IT IS FURTHER ORDERED** that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

**IT IS FURTHER ORDERED** that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect. The filing party represents to the Court that all affected parties have been notified.

*[Remainder of Page Intentionally Left Blank]*

**SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2023

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffery A. Deller  
United States Bankruptcy Judge

Stipulated by:

/s/ Kenneth P. Seitz, Esquire  
Counsel to Debtor

Stipulated by:

/s/ James C. Warmbrodt, Esquire  
Counsel to Chapter 13 Trustee

Stipulated by:

\_\_\_\_\_  
Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk